

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHANNON L. MAYO, SR.,
Plaintiff

v.

THE COUNTY OF YORK, et al.,
Defendant

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Civil Action No. 1:10-cv-1869
(Chief Judge Kane)
(Magistrate Judge Smyser)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff filed an amended complaint listing thirty-six defendants on August 29, 2011. (Doc. No. 55.) The named defendants fall into two categories. First, Plaintiff raises claims regarding his medical care against Defendants PrimeCare Medical, Haskins, Von Kiel, Rochow, Jensen, Misosi, Shafer, Becker, Shannon, Hare, Windon, Mae Baldwin, and Mike Baldwin (collectively, “Medical Defendants”). Second, he raises claims regarding various aspects of his pre-trial confinement at the York County Prison against Defendants York County, Hoke, Sabol, Doll, Buono, Steiner, Reihart, York County Prison Board, Krebs, Weaver, Rohrbaugh, Daryman, Fink, Ronk, Krinock, Skaggs, Dill, Ison, Francisco, Straley, Gembe, Wilson, and Scott (collectively, “County Defendants”).

Currently pending before the Court are motions to dismiss filed by each group of Defendants. (Doc. Nos. 68, 73.) Magistrate Judge Andrew Smyser submitted a Report and Recommendation on February 16, 2012, in which he recommends that the motions be granted in part and denied in part. (Doc. No. 104.) In the Report and Recommendation, Magistrate Judge

Smyser advised the parties that objections¹ to his Report and Recommendation would be due on or before March 5, 2012. (Doc. No. 104-1.) Defendants did not file any objections to the Report and Recommendation. On March 1, 2012, Plaintiff filed what is listed as a “Brief in Opposition to Medical Defendants’ Motion to Dismiss.” (Doc. No. 107.) Although the Court was inclined to construe the brief as an objection, a review of the brief reveals that it is more properly construed as a motion to appoint counsel. In the absence of any objections, the Court has conducted a de novo review of the Report and Recommendation and has detected no error therein.

ACCORDINGLY, on this 13th day of March 2012, **IT IS HEREBY ORDERED THAT** the Report and Recommendation (Doc. No. 104) is **ADOPTED**. The motion to dismiss filed by the County Defendants (Doc. No. 68) is **GRANTED IN PART AND DENIED IN PART** as follows: all claims against Defendants Dill and Ison are **DISMISSED WITHOUT PREJUDICE**; the motion is **DENIED** in all other respects. The motion to dismiss filed by the Medical Defendants (Doc. No. 73) is **GRANTED IN PART AND DENIED IN PART** as follows: all claims against Defendants Von Kiel, Shafer, Becker, Hare, Windon, and Mae Baldwin are **DISMISSED WITHOUT PREJUDICE**; the motion is **DENIED** in all other respects. Plaintiff shall have twenty days from the date of this order to endeavor to correct the defects outlined in Magistrate Judge Smyser’s Report and Recommendation. If Plaintiff elects to proceed without amending his complaint, the Clerk of Court is directed to terminate the above-

¹ The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate’s proposed findings and recommendations. In deciding whether to accept, reject, or modify the Report and Recommendation, the Court is to make a de novo determination of those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

named Defendants, all claims against them having been dismissed. The Court refers this matter to Magistrate Judge Smyser for all further pre-trial proceedings.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania